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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,377	03/14/2001	Tomas Brodsky	US010059	3327

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EXAMINER

YODER III, CHRISS S

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,377

Applicant(s)

BRODSKY ET AL.

Examiner

Chriss S. Yoder, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/14/01 & 9/3/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 20 objected to because of the following informalities:

Claim 20 is written to be dependent on claim 1. The examiner believes the claim should depend on claim 13, and will be examined as understood by the examiner.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-2, 4-7 and 9-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogino (US Patent # 6,762,794).
2. In regard to claim 1, note Ogino discloses the use of a stereo camera system (column 1, lines 8-10) comprising a stereo imaging means for outputting at least one stereo image (column 5, lines 37-40), a recognition means for locating an object of interest in the field of view of the stereo imaging means (column 6, lines 42-46) and the distance to the object of interest from the stereo imaging means (column 6, lines 42-46), and adjusting means for automatically changing at least one system parameter which

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affects the spatial resolution of the object of interest based on the located distance of the object of interest from the stereo imaging means (column 3, lines 59-61).

3. In regard to claim 2, note Ogino discloses that the stereo imaging means comprises a camera (figure 10: 1200) and a set of mirrors angled with respect to each other at a predetermined angle (column 13, lines 41-44; and figure 10: 1107 and 1112) and disposed a predetermined distance from the camera for producing a stereo effect in the output of the camera (figure 10: 1107, 1112, and 1200; the mirrors are located a predetermined distance from the camera).

4. In regard to claim 4, note Ogino discloses that the camera is a video camera and the at least one stereo image is a sequence of video images (column 15, line 64 – column 16, line 4).

5. In regard to claim 5, note Ogino discloses the use of the adjusting means comprises angle adjustment means for adjusting the predetermined angle between the set of mirrors (column 13, lines 48-59).

6. In regard to claim 6, note Ogino discloses the use of a controller for controlling the angle based on an input signal from the recognition means (column 13, lines 48-59; and figure 14: S57-S60).

7. In regard to claim 7, note Ogino discloses the use of two or more cameras (column 5, lines 30-36; and figure 1: 103 and 104), each camera being angled a predetermined angle (column 5, lines 39-46) and distanced a predetermined distance with respect to each other and the object of interest (column 5, lines 39-46).

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8. In regard to claim 9, note Ogino discloses that the camera is a video camera and the at least one stereo image is a sequence of video images (column 15, line 64 – column 16, line 4).

9. In regard to claim 10, note Ogino discloses that the adjusting means comprises angle adjustment means for adjusting the predetermined angle of at least one of the two or more cameras (column 5, lines 40-45).

10. In regard to claim 11, note Ogino discloses the use of a controller for controlling the angle and baseline adjustment means based on an input signal from the recognition means (column 5, lines 40-57).

11. In regard to claim 12, note Ogino discloses that the recognition means is a stereo vision system (column 5, lines 27-29).

12. In regard to claim 13, note Ogino discloses the use of a stereo camera system for use with a stereo imaging means (column 1, lines 8-10), the stereo imaging means outputting at least one stereo image (column 5, lines 37-40), the stereo camera system comprising a recognition means for locating an object of interest in the field of view of the stereo imaging means (column 6, lines 42-46) and the distance to the object of interest from the stereo imaging means (column 6, lines 42-46), and adjusting means for automatically changing at least one system parameter which affects the spatial resolution of the object of interest based on the located distance of the object of interest from the stereo imaging means (column 3, lines 59-61).

13. In regard to claim 14, note Ogino discloses that the stereo imaging means comprises a camera (figure 10: 1200) and a set of mirrors angled with respect to each

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other at a predetermined angle (column 13, lines 41-44; and figure 10: 1107 and 1112) and disposed a predetermined distance from the camera for producing a stereo effect in the output of the camera (figure 10: 1107, 1112, and 1200; the mirrors are located a predetermined distance from the camera).

14. In regard to claim 15, note Ogino discloses the use of the adjusting means comprises angle adjustment means for adjusting the predetermined angle between the set of mirrors (column 13, lines 48-59).

15. In regard to claim 16, note Ogino discloses the use of a controller for controlling the angle based on an input signal from the recognition means (column 13, lines 48-59; and figure 14: S57-S60).

16. In regard to claim 17, note Ogino discloses the use of two or more cameras (column 5, lines 30-36; and figure 1: 103 and 104), each camera being angled a predetermined angle (column 5, lines 39-46) and distanced a predetermined distance with respect to each other and the object of interest (column 5, lines 39-46).

17. In regard to claim 18, note Ogino discloses the use of the adjusting means comprises angle adjustment means for adjusting the predetermined angle between the set of mirrors (column 13, lines 48-59).

18. In regard to claim 19, note Ogino discloses the use of a controller for controlling the angle adjustment means based on an input signal from the recognition means (column 5, lines 40-57).

19. In regard to claim 20, note Ogino discloses that the recognition means is a stereo vision system (column 5, lines 27-29).

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20. In regard to claim 21, this is a method claim, corresponding to the apparatus in claim 1. Therefore, claim 21 has been analyzed and rejected as previously discussed with respect claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino (US Patent # 6,762,794).

22. In regard to claim 3, note Ogino discloses the use of a stereo camera as claimed in claim 2 above. Therefore, it can be seen that Ogino fails to disclose that the camera is a still camera and the at least one stereo image is a still image. Official notice is taken that the use of a stereoscopic camera that takes still photographs is notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Ogino reference to include the use of a still camera in order to take individual stereoscopic or 3D photos to allow the user to print the images.

23. In regard to claim 8, note Ogino discloses the use of a stereo camera as claimed in claim 2 above. Therefore, it can be seen that Ogino fails to disclose that the camera is a still camera and the at least one stereo image is a still image. Official notice is taken that the use of a stereoscopic camera that takes still photographs is notoriously

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well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Ogino reference to include the use of a still camera in order to take individual stereoscopic or 3D photos to allow the user to print the images.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006094215A: note the use of a stereo camera system used to create 3-D images.

US006141036A: note the use of a stereo camera system that uses two cameras with adjustable angles to create stereo images.

US005978143A: note the use of a stereo camera system that uses two cameras with adjustable angles and adjustable positions to create stereo images.

US006363225B1: note the use of a stereo camera system one camera with mirrors to create stereo images.

US003959580: note the use of a stereo camera system that uses two cameras with adjustable angles and adjustable positions to create stereo images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (703) 305-0344. The examiner can normally be reached on M-F: 8 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY
August 4, 2004



NGOC-YEN VU
PRIMARY EXAMINER